



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/573,047 | 03/22/2006 | Hiroaki Mukai | 2611-0257PUS1 | 5344 |

2292 7590 09/19/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

| |
|----------|
| EXAMINER |
|----------|

TRAN, DZUNG D

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2613

| | |
|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

09/19/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/573,047 | Applicant(s) MUKAI, HIROAKI | |
| | Examiner Dzung D. Tran | Art Unit 2613 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Mukai et al. US 2002/0173332.

Regarding claim 7, Mukai discloses in Figure 1, a passive optical network system comprising:

an optical line termination 31; and

a plurality of optical network units 32-1, ..32-N that are respectively connected to an optical line termination via an optical transmission line 33;

Wherein the optical line termination includes a database 44 configured to store subscriber recognition information and service details in association with a subscriber, an issuing unit 46 that, upon detecting a connection with a new optical network while performing autonomous ranging, issues a control message to request the new optical network unit to provide subscriber recognition information, and acquires the subscriber recognition information, and a setting unit that, based on acquired subscriber

Art Unit: 2613

recognition information, seal the database and specifies the subscriber and the service details, and performs bandwidth se and connection setting based on specified service details (paragraphs 0066-0071, 0094-0099); and each of the optical network units includes

a storing unit 58 that stores subscriber recognition information input by a subscriber and a notifying unit that receives, from the optical line termination, a control message requesting for the subscriber recognition information, and issues a response message that notifies the subscriber recognition information (paragraphs 0064-0065).

Regarding claim 8, Mukai discloses wherein the subscriber recognition information is a password that specifies the subscriber, an the control message and the response message are sent and received using any one of a physical layer and a monitor control channel (paragraphs 0036-0042).

Regarding claim 9, Mukai discloses wherein the subscriber recognition information includes the subscriber's address, name, and other subscriber information, and the control message and the response message are sent and received using a monitor control channel (paragraphs 0036-0042).

Regarding claim 10, Mukai discloses in Figure 1, a method for connecting a plurality of optical network units included in a passive optical network system to an optical line termination 31 via an optical transmission line 33, comprising: the optical line termination preparing a database 44 that is configured to store subscriber recognition information and service details in association with a subscriber,

Art Unit: 2613

the optical line termination detecting a connection with a new optical network unit while performing autonomous ranging and the optical line termination issuing a control message to request the new optical network unit to provide subscriber recognition information, wherein the act of issuing is performed after the act of detecting (paragraphs 0066-0071, 0094-0099);

each of the optical network units includes a storing unit 58 storing subscriber recognition information input by a subscriber, each of the optical network units receiving from the optical line termination, a control message requesting for the subscriber recognition information and each of the optical network units issuing a response message including the subscriber recognition information (paragraphs 0036-0042), the optical line termination searching the database based on acquired subscriber recognition information to thereby specify the subscriber and the service details and the optical line termination performing bandwidth setting and connection setting based on specified service details (paragraphs 0066-0071, 0094-0099).

Regarding claim 11, Mukai discloses wherein the subscriber recognition information is a password that specifies the subscriber, and the control message and the response message are sent and received using any one of a physical layer and a monitor control channel (paragraphs 0036-0042).

Regarding claim 12, Mukai discloses wherein the subscriber recognition information includes the subscriber's address, name, and other subscriber information, and the control message and the response message are sent and received using a monitor control channel (paragraphs 0036-0042).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lee et al. U.S. Publication no. 2003/0133460. Method for implementing various functions in Gigabit Ethernet passive optical network

b. Sala et al. U.S. Publication no. 2003/0152389. Filtering and forwarding frames at an optical line terminal

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/573,047

Page 6

Art Unit: 2613

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran

09/11/2008

/Dzung D Tran/

Primary Examiner, Art Unit 2613